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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00242 PJH (LB)
)	
Plaintiff,)	
)	
v.)	PROPOSED ORDER DETAINING
)	DEFENDANT PENDING TRIAL
LUIS ALBERTO PINEDA,)	
)	
Defendant.)	

I. DETENTION ORDER

Defendant Luis Alberto Pineda is charged in a one-count indictment with being a Deported Alien Found in the United States, in violation of 8 U.S.C. §§ 1326(a) and (b). On April 15, 2011, the United States moved for the defendant's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk defendant will flee), and subsequently asked for a detention hearing pursuant to 18 U.S.C. § 3142(f). Following a hearing on April 20, 2011, under 18 U.S.C. § 3142(f), and considering the parties' proffer and the factors set forth in section 3142(g), the Court finds that no condition or combination of conditions in section 3142(c) will reasonably assure the defendant's appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985).

1 Given the bail study, the criminal history, and immigration issues the court detains the
2 defendant as a serious risk of flight.

3 The defendant did not request a full bail study at this time, such as an interview by
4 Pretrial Services, but reserved his right to present information at a future bail hearing should his
5 circumstances change. *See* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f)
6 hearing to, with the assistance of counsel, testify, present witnesses, cross-examine adverse
7 witnesses, and present information by proffer or otherwise).

8 II. CONCLUSION

9 The Court detains the defendant as a serious flight risk and because no condition, or
10 combination of conditions, could assure the defendant's appearance in this case. Because the
11 defendant waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to
12 his raising any relevant information at a later hearing, the Court orders that the hearing may be
13 reopened at the defendant's request at a future time.

14 The Court orders that the defendant be committed to the custody of the Attorney General
15 or a designated representative for confinement in a corrections facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or held in custody pending appeal. *See*
17 18 U.S.C. § 3142(i)(2). The defendant must be afforded a reasonable opportunity to consult
18 privately with counsel. *See id.* § 3142(i)(3). On order of a court of the United States or on
19 request of an attorney for the United States, the person in charge of the corrections facility must
20 deliver the defendant to the United States Marshal for a court appearance. *See id.* § 3142(i)(4).

21 IT IS SO ORDERED.

22
23 DATED: April 25, 2011



24 LAUREL BEELER
25 United States Magistrate Judge
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27
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